

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

Richard N. Aybar, Sr.
Debtor

:
:

Bk. No. 19-11086
Chapter 7

MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. § 707(a)(1)

Now comes Lisa A. Geremia, the duly appointed Chapter 7 Trustee, and moves to dismiss the Chapter 7 Bankruptcy filed by Richard N. Aybar, Sr. for cause pursuant to 11 U.S.C. § 707(a)(1).

As grounds, the Chapter 7 Trustee states as follows:

1. On July 10, 2019, Richard N. Aybar, Sr. (the “Debtor”) filed for relief pursuant to Chapter 7 of the United States Code, and Lisa A. Geremia, Esquire is the duly appointed Chapter 7 Trustee (the “Trustee”).
2. The initial Meeting of Creditors (the “MOC”) was scheduled for August 1, 2019, and the Debtor did not appear.
3. The Trustee continued the MOC to September 17, 2019, and the Debtor did not appear.
4. The Debtor has failed to appear at two (2) MOCs. These are sufficient reasons for the dismissal of the case pursuant to 11 U.S.C. § 707(a)(1).
5. The result of the Debtor’s actions has created unreasonable delay that is prejudicial to creditors and grounds for dismissal pursuant to 11 U.S.C. § 707(a)(1).

WHEREFORE, for the above reasons, the Trustee moves that the Debtor’s case be dismissed for cause pursuant to 11 U.S.C. § 707(a)(1), and for such further relief as is just.

DATED: September 23, 2019

/s/ Lisa A. Geremia
Lisa A. Geremia, Esquire [#5541]
GEREMIA & DEMARCO, Ltd.
Village on Vine
620 Main Street CU 3A
East Greenwich, Rhode Island 02893
(401) 885-1444 Telephone
(401) 471-6283 Facsimile
Lisa@geremiademarco.com

In Re: Richard N. Aybar, Sr.
Chapter 7; Bk. No. 19-11086

Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that on September 23, 2019, I electronically filed the within Motion to Dismiss with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically: The Office of the U.S. Trustee, Nelson F. Brinckerhoff, Esquire and Joseph Dolben, Esquire;

I hereby certify that I mailed via ***Certified Mail, via United States Postal Service***, the document and a copy of the Notice of Electronic Filing to: Mr. Richard N. Aybar, Sr., 100 Arthur Street, Apt. 205, Cranston, RI 02910; and

I hereby certify that I mailed by ***Regular First Class Mail, via United States Postal Service***, the document and a copy of the Notice of Electronic Filing to: None.

/s/ Lisa A. Geremia